



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

MPR/RCH/ER/PP
F. #2019R00927

271 Cadman Plaza East
Brooklyn, New York 11201

February 11, 2021

By ECF

The Honorable Brian M. Cogan
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Genaro Garcia Luna
Criminal Docket No. 19-576 (BMC)

Dear Judge Cogan:

The parties respectfully submit this written status update to the Court in the above-captioned matter. In light of the COVID-19 pandemic continuing to affect New York City, the parties respectfully request that the Court adjourn the upcoming status conference scheduled for February 17, 2021, for 60 days. The parties agree that an order of excludable delay is appropriate based on the Court's previous complex case designation in this matter and Administrative Order 2020-26-2 (excluding time in all criminal jury trials until March 1, 2021, in light of the ongoing COVID-19 pandemic).

In addition, the parties respectfully write to update the Court on the following issues:

- Discovery
 - The government continues the process of collecting and reviewing discovery for production to the defendant on a rolling basis. Following the parties' last status letter on December 4, 2020, the government made an additional discovery production on December 15, 2020, totaling more than 19,000 pages of documents. That production included, among other things, financial records and Mutual Legal Assistance Treaty ("MLAT") requests and responses. See Dkt. No. 57.
 - The government also is awaiting responses from outstanding subpoenas, including subpoenas to the defendant and his companies. In addition, the

government has submitted MLAT requests for evidence in the possession of several foreign governments. Although the government has received some responsive information, it is awaiting additional MLAT responses.

- To date, the government has produced more than 974,000 pages of documents and voluminous intercepted communications. The government has produced the majority of the discoverable material in its possession. It expects to make smaller productions on a rolling basis as it receives additional discoverable materials and/or identifies such material in its possession. It expects to make its next production in the coming weeks.
- Trial Preparation
 - The parties continue to face delays in preparing for trial in this case, in light of the pandemic, including limitations on the government's ability to meet with incarcerated witnesses and limitations on defense counsel's ability to meet with the defendant.
- CIPA
 - The government has been able to resume its review of materials needed to complete litigation in this matter pursuant to the Classified Information Procedures Act, 18 U.S.C. App. 3, §§ 1-16 ("CIPA"), in this case, although it continues to face pandemic-related limitations. The government expects that the necessary steps to complete CIPA litigation will take several more months. The government will file its motion for a pretrial conference pursuant to Section 2 of CIPA, once it has a better sense of the anticipated schedule for completing CIPA litigation.

Respectfully submitted,

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cc: Cesar de Castro, Esq.
Clerk of the Court (BMC) (by ECF)